IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR

BENCH, JAIPUR

ORDER

S.B. CIVIL WRIT PETITION No.3069/2002
SEDURAM V/S JAIPUR DEVELOPMENT AUTHORITY & OTHERS

DATE OF ORDER 22.2.2007

PRESENT

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Rajendra Prasad for the petitioner.
Shri R.A. Katta for respondents.

Heard learned counsel for the parties.

The petitioner has impugned the order dated 4.10.2001 and 2.5.2002 whereby the JDA issued notice for raising construction and the order dated 2.5.2002 whereby his appeal there against filing before the JDA, Appellate Tribunal was rejected.

Learned counsel for the petitioner submits that subsequent to passing the aforesaid order, the respondents have taken a policy decision on the basis of the circular issued by the Government for permitting construction for commercial use even in residential areas on the main road.

Learned counsel for the respondents however submits that subsequent circular cannot be relied on for assailing validity of an earlier order and the petitioner may be asked to make a suitable representation to the concerned authorities in the JDA. The submission appears to be

reasonable.

In the facts of the case, therefore while deciding the present petition, I set the petitioner at liberty to make suitable representation to the respondents citing the aforesaid circulars and the grounds which have been raised in the present writ petition. If and when such representation is made, the respondents are directed to decide the same as expeditiously as possible but in any case not later than three months from the date of receipt thereof. The petitioner would be at liberty to take remedy as may be available to him under the law if he is not satisfied with the decision so taken by the respondents on his representation.

This writ petition is accordingly disposed of with no order as to costs.

(Mohammad Rafiq),J.

Chauhan/